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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,525	01/14/2004	Donald W. Gordon	035-1-008	5578
27469	7590	07/22/2008		
Tjrope North & Western P.O. BOX 1219 SANDY, UT 84091-1219			EXAMINER DONNELLY, JEROME W	
			ART UNIT 3764	PAPER NUMBER
			MAIL DATE 07/22/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/758,525

Applicant(s)

GORDON, DONALD W.

Examiner

Jerome W. Donnelly

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_ is/are allowed. 9-12, 15 and 21-23.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to. 13, 14, 28 and 31
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.



JEROME DONNELLY  
PRIMARY EXAMINER

Art Unit: 3764

Claims 9-12, 15 and 21-23 are allowed.

Claims 13, 14, 28 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8, 16-19, 25-27 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nissen.

Nissen discloses a device having at least one rebound surface, flexible material (46) extending upwardly from a rebound surface (12), each play area having a periphery, an opening (48), a rebound surface frame (14) coupling members throughout the device cross frames (28 and 44), both extending between separate play areas and support a flexible material.

In claim 1, note 5, it is not clear as to what flexible material the applicant is claiming.

In claim 1, it is unclear as to the antecedent basis of, "the frame" in line 11.

In claim 1, it is unclear as to the antecedent basis of, "other frame" line 12.

Art Unit: 3764

In regard to claim 6, the examiner notes that Nissen includes several frame members which mount flexible materials and are capable of being stood on.

The applicant is reminded that it is still unclear as to what the claim limitation of "flexible material mounting frame" is.

In regard to claim 8 the examiner notes that padding on trampoline frame members is old and obvious.

Claims 17-19 are so broad so as to read on a rebounding surface having at least two surface areas, which Nissen shows. Nissen also as broadly claimed discloses a device having more than two surface areas.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nissen in view of Arsenault 680367.

Nissen discloses the device of claim 30, substantially as claimed, absent the teaching of his cross members (44) being height adjustable.

Arsenault teaches a cross member which supports a netted play area, which is adjustable.

Given the above teaching of Arsenault of providing a netted gaming cross member which is adjustable on his device, the examiner notes that it would have been obvious to one of ordinary skill in the art to manufacture the cross members (44) of Nissen to be height adjustable as a means of accommodating user of various sizes and skill levels.

Art Unit: 3764

Claims 20, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nissen in view of Wang et al.

Nissen discloses the device of claim 20 substantially as claimed absent the device including a flapped door for separation of areas.

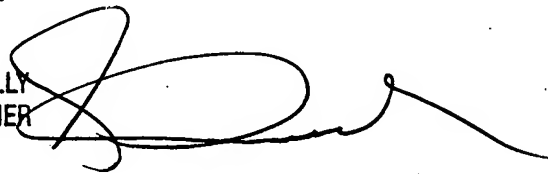
Wang et al discloses a flapped area for entry and exiting an area relating to a flexible wall of a trampoline.

Given the above teaching the examiner notes that it would have been obvious to one of ordinary skill in the art to provide flapped areas in any or all of the vertical netted areas of Nissen for the purpose of entering and exiting those areas.

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571)272-4975.

Jerome Donnelly

JEROME DONNELLY  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'Jerome Donnelly', written over the printed name and title.